



Entered on Docket  
August 13, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,  
USA CAPITAL REALTY ADVISORS,  
LLC,  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED  
FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007  
Time: 9:30 a.m

**Affecting:**

☐ All Cases

**or Only:**

- ☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**ORDER SUSTAINING THIRTY-THIRD OMNIBUS OBJECTION OF THE  
USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS  
EXCEPT PROOF OF CLAIM NO. 10725-00501 FILED BY THE WANDA  
WRIGHT TRUST; PROOF OF CLAIM NO. 10725-02309 FILED ON BEHALF OF  
WORLD LINKS GROUP LLC; AND PROOF OF CLAIM NO. 10725-02299 FILED  
ON BEHALF OF ZAWACKI**

The USACM Liquidating Trust (the “USACM Trust”) filed its Thirty-Third Omnibus Objection to Claims Asserting Secured Status [DE 3192] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with the Court as follows:

- Reply filed by Wanda C. Wright, Trustee for the Wanda Wright Trust [DE 3410] pertaining to Claim No. 10725-00501. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel deleted the Wanda Wright Trust’s claim from the Exhibit to the Thirty-Third Omnibus Objection attached to this Order.
- Opposition filed by the Mantas Group on behalf of World Links Group, LLC pertaining to Claim No. 10725-02309 and on behalf of Zawacki, a California LLC, pertaining to Claim No. 10725-2299 [DE 3507]. An Order Approving Stipulation with counsel allowing the claims as unsecured claims, albeit subject to further objection, was signed by this Court on June 4, 2007 [DE 3887]. Counsel deleted World Links Group, LLC’s claim and Zawzcki’s claim from the exhibit to the Thirty-Third Omnibus Objection attached to this Order.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

**ORDERED:**

- Sustaining the USACM Trust’s Thirty-Third Omnibus Objection to Claims Asserting Secured Status;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and

• Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

*Attorneys for USACM Liquidating Trust*

**CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☒ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b) (Erven T. Nelson).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☐ No opposition was filed and no other party or counsel appeared at the hearing.

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman


Rob Charles

*Attorneys for USACM Liquidating Trust*

1  
2 APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

**BOLICK & BOYER**

3  
4  
5   
6 Wanda C. Wright, Trustee

By: \_\_\_\_\_  
Erven T. Nelson, NV 2332  
*Attorneys for Mantas Group*

**33rd Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims**

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Woody Contracting Inc 63210 Mckenzie Ln Summerville, OR 97876	10725-00950	11/2/2006	\$330,750.00	S
2					
3	Worthing, Ralph E & Maryanne H 443 Arboles Dr Bishop, CA 93514	10725-01786	12/13/2006	\$20,430.00	S, U
4					
5	Wyatt IRA, Kenneth H Po Box 370400 Las Vegas, NV 89137-0400	10725-01604	12/8/2006	\$54,083.35	S
6	Wyatt IRA, Kenneth H Po Box 370400 Las Vegas, NV 89137-0400	10725-01824	12/28/2006	\$19,906.48	S
7	Wyatt Ira, Kenneth H Po Box 370400 Las Vegas, NV 89137-0400	10725-01828	12/28/2006	\$53,983.35	S
8	Wyatt Ira, Phyllis P Po Box 370400 Las Vegas, NV 89137-0400	10725-01606	12/8/2006	\$38,059.07	S
9	Wyatt Ira, Phyllis P Po Box 370400 Las Vegas, NV 89137-0400	10725-01829	12/28/2006	\$53,983.35	S
10	Xavier, Neil A & Josephine E 2506 Libretto Ave Henderson, NV 89052	10725-02064	1/11/2007	\$51,625.00	S, U
11	Xavier, Neil A & Josephine E 2506 Libretto Ave Henderson, NV 89052-6563	10725-00290	9/29/2006	\$50,000.00	S
12	Xavier, Neil A & Josephine E 2506 Libretto Ave Henderson, NV 89052-6563	10725-00291	9/29/2006	\$50,000.00	S
13	Xavier, Neil A & Josephine 2506 Libretto Ave Henderson, NV 89052	10725-02159	1/11/2007	\$51,545.13	S, U
14	Yerushalmi, Mazal 8904 Greensboro Ln Las Vegas, NV 89134-0502	10725-00961	11/1/2006	\$314,598.00	S

<b>15</b>	Yoder Defined Benefit Plan, Robert J Robert J Yoder Trustee 12291 Prosser Dam Rd Truckee, CA 96161	10725-02083	1/11/2007	\$88,743.82	S, U
<b>16</b>	Yonai IRA, Gregory 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-00990	10/27/2006	\$42,531.84	S
<b>17</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, Nv 89135-1552	10725-00719	10/25/2006	\$22,896.16	S
<b>18</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, Nv 89135-1552	10725-00983	10/27/2006	\$22,896.16	S
<b>19</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01003	10/27/2006	\$81,750.00	S
<b>20</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01005	10/27/2006	\$27,900.00	S
<b>21</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01007	10/27/2006	\$55,000.00	S
<b>22</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01008	10/27/2006	\$28,000.00	S
<b>23</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01010	10/27/2006	\$37,800.00	S
<b>24</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01013	10/27/2006	\$39,292.00	S
<b>25</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01015	10/27/2006	\$28,000.00	S
<b>26</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01019	10/27/2006	\$54,500.00	S
<b>27</b>	Yonai Trustee, Gregory D 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01020	10/27/2006	\$54,500.00	S
<b>28</b>	Yonai Trustee, Gregory 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01000	10/27/2006	\$28,200.00	S
<b>29</b>	Young, Judy S 13825 Virginia Foothills Dr Reno, NV 89521-7394	10725-02324	1/13/2007	\$101,552.77	S, U

30	Young, Percy & Ruth 1814 W Olney Ave Phoenix, AZ 85041-8617	10725-00775	10/27/2006	\$90,000.00	S
31	Young, Percy 1814 W Olney Ave Phoenix, AZ 85041	10725-00776	10/27/2006	\$90,000.00	S
32	Younger, William & Lisa K 1746 Lake St Huntington Beach, CA 92648	10725-00948	11/2/2006	\$54,876.00	S
33	Zadel, William Po Box 1817 Parowan, UT 84761	10725-02027	1/11/2007	\$150,000.00	S
34	Zak, Janet E 9720 Verlaine Ct Las Vegas, NV 89145-8695	10725-00226	9/25/2006	\$54,000.00	S
35	Zalkind, Allen & Sandy 684 Nahane Dr South Lake Tahoe, CA 96150	10725-00206	8/15/2006	\$94,650.00	S
36	Zappulla, Joseph G & Carol A 12706 W Myer Ln El Mirage, AZ 85335	10725-02040	1/11/2007	\$704,812.14	S, U
37					
38	Zerbo, Anthony J 780 Saratoga Ave Apt S-107 San Jose, CA 95129	10725-01952	1/10/2007	\$878,855.25	S, U
39	Zerbo, Anthony 780 Saratoga Ave #S107 San Jose, CA 95129	10725-00814	10/30/2006	\$15,598.72	S
40	Zerbo, Anthony 780 Saratoga Ave #S107 San Jose, CA 95129	10725-00788	10/27/2006	\$150,276.66	S
41	Zerbo, Anthony 780 Saratoga Ave #S107 San Jose, CA 95129	10725-01839	1/3/2007	\$50,516.00	S
42	Zerbo, Marshall R 250 W El Camino Real Apt 5100 Sunnyvale, CA 94087	10725-02028	1/11/2007	\$150,629.65	S, U
43	Zoe Brown 1989 Family Trust C/O Zoe Brown Trustee 2877 Paradise Rd Unit 803 Las Vegas, NV 89109-5244	10725-00441	10/5/2006	\$75,000.00	S
44	Zorrilla, Reinaldo P.O. Box 11305 Las Vegas, Nv 89111	10725-00777	10/27/2006	\$121,846.33	S

<b>45</b>	Zrudsky, Collen 5731 S Youngfield Street Littleton, CO 80127	10725-00293	9/29/2006	\$53,762.00	S
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